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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,884	03/30/2001	Geetha Ravishankar	95-461	4452

23164 7590 02/06/2006

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EXAMINER
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LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/820,884	RAVISHANKAR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Victor Lesniewski	2152	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The amendment filed 11/15/2005 has been placed of record in the file.
2. Claims 1, 12, 15, 19, and 30 have been amended.
3. Claims 1-40 are now pending.
4. The applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the following new grounds of rejection.

### ***Continued Examination Under 37 CFR 1.114***

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. The applicant's submission filed on 11/15/2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 11, 12, 18, 19, 29, 30, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (U.S. Patent Number 6,631,181), hereinafter referred to as Bates,

in view of Fuller et al. (U.S. Patent Number 6,545,589), hereinafter referred to as Fuller, further in view of Kruesi et al. (U.S. Patent Number 6,504,915), hereinafter referred to as Kruesi.

8. Bates disclosed a messaging system wherein a particular greeting announcement of multiple possible announcements is played to the caller. In an analogous art, Fuller disclosed a method for managing between a caller and an end user in a telecommunications network. Also, in an analogous art, Kruesi disclosed a distributed messaging system where multiple messaging platforms have access to multiple voice files. All three systems deal with the handling of telecommunications calls.

9. Concerning claims 1, 12, 19, and 30, Bates did not explicitly disclose retrieving an audible subscriber identifier. Although Bates states the ability of his system to retrieve a default greeting message and play this message when a first particular greeting is unavailable, he is not explicit about the specific makeup of the default message. However, Fuller states the use of a well-known type of standard or default greeting that includes retrieving an audible subscriber identifier to play with the default greeting. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Bates by adding the ability to retrieve an audible subscriber identifier as provided by Fuller. Here the combination satisfies the need for a messaging system that automatically plays a particular preprogrammed greeting message to a particular caller. See Bates, column 2, lines 18-26. This rationale also applies to those dependent claims utilizing the same combination.

10. Further concerning claims 1, 12, 19, and 30, the combination of Bates and Fuller did not explicitly disclose determining an inaccessibility of the subscriber announcement. However, determining an inaccessibility of data stored on a network server is well known in the art. In a

telecommunications environment, this is evidenced by Kruesi whose system determines an inaccessibility of a voice file at a certain node, in which case an alternate node is used to access a file. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Bates and Fuller by adding the ability to determine an inaccessibility of the subscriber announcement as provided by Kruesi. Here the combination satisfies the need for improved file availability in a messaging system. See Kruesi, column 3, lines 1-11. This rationale also applies to those dependent claims utilizing the same combination.

11. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a server apparatus or a computer readable medium are rejected under the same rationale applied to the described claim.

12. Thereby, the combination of Bates, Fuller, and Kruesi discloses:

- <Claims 1, 12, 19, and 30>

A method in a server configured for initiating a messaging session for an incoming call by accessing subscriber profile information from a directory server, the method comprising: attempting retrieval of a subscriber announcement for the messaging session (Bates, column 7, lines 8-12) from a messaging server (Bates, figure 1, item 10) based on the subscriber profile information (Bates, figure 1, item 24), the subscriber announcement stored in the messaging server as a first data file having a first size (Bates, figure 1, "greetings" A1-A10 and column 4, table 1); determining an inaccessibility of the subscriber announcement for the messaging session from the messaging server (Bates, column 7, lines 13-16 and Kruesi, figure 5B and column 9, line 52 through column 10, line 6); retrieving from the directory server an audible subscriber identifier, stored in the

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directory server as a second data file having a second size substantially smaller than the first size, based on the determined inaccessibility of the subscriber announcement (Fuller, column 25, line 63 through column 26, line 2, where the “drop-in name” is substantially smaller than the greetings of Bates, table 1); and playing for the messaging session an alternate subscriber announcement including the audible subscriber identifier (Bates, column 7, lines 16-18).

- <Claims 11, 18, 29, and 40>

The method of claim 1, further comprising storing in the directory server the audible subscriber identifier, at a location associated with the corresponding subscriber profile information, prior to the retrieving step (Bates, column 7, lines 16-18 and Fuller, column 25, lines 63-65).

Since the combination of Bates, Fuller, and Kruesi discloses all of the above limitations, claims 1, 11, 12, 18, 19, 29, 30, and 40 are rejected.

13. Claims 2-6, 8, 13-16, 20-24, 26, 31-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Fuller further in view of Kruesi, as applied above, further in view of Edmonds et al. (U.S. Patent Number 6,230,190), hereinafter referred to as Edmonds.

14. The combination of Bates, Fuller, and Kruesi disclosed a messaging system wherein a particular greeting announcement of multiple possible announcements is played to the caller, including the possibility of playing a default greeting with a pre-recorded name dropped in. In

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an analogous art, Edmonds disclosed a telephony process that supports unified messaging. Both systems deal with the routing of telecommunications calls.

15. Concerning claims 2-4, 13-15, 20-22, and 31-33, the combination of Bates, Fuller, and Kruesi did not explicitly disclose the use of Internet Message Access Protocol. However, Edmonds states the use of an IMAP server that supports unified mailboxes to the web. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Bates, Fuller, and Kruesi by adding the ability to access the messaging server according to Internet Message Access Protocol as provided by Edmonds. Here the combination satisfies the need for a messaging system that automatically plays a particular preprogrammed greeting message to a particular caller. See Bates, column 2, lines 18-26.

16. Concerning claims 5, 6, 8, 16, 23, 24, 26, 34, 35, and 37, the combination of Bates, Fuller, and Kruesi did not explicitly disclose the use of Lightweight Directory Access Protocol. However, Edmonds states the use of LDAP to allow a messaging server to access directory services on the Internet. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Bates, Fuller, and Kruesi by adding the ability to retrieve an audible subscriber identifier from a directory server according to Lightweight Directory Access Protocol as provided by Edmonds. Again the combination satisfies the need for a messaging system that automatically plays a particular preprogrammed greeting message to a particular caller. See Bates, column 2, lines 18-26.

17. Thereby, the combination of Bates, Fuller, Kruesi, and Edmonds discloses:

- <Claims 2, 13, 20, and 31>

The method of claim 1, wherein the attempting retrieval step includes attempting access to the messaging server according to Internet Message Access Protocol (IMAP) (Edmonds, column 8, lines 24-41).

- <Claims 3, 14, 21, and 32>

The method of claim 2, wherein the attempting access step includes attempting a login procedure with the messaging server according to IMAP (Bates, column 3, lines 55-57 and Edmonds, column 8, lines 24-41).

- <Claims 4, 15, 22, and 33>

The method of claim 3, wherein the determining step includes determining a failure of the login procedure (Bates, column 5, lines 26-32).

- <Claims 5, 23, and 34>

The method of claim 2, wherein the retrieving step includes retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP) (Edmonds, column 9, line 66 through column 10, line 15).

- <Claims 6, 24, and 35>

The method of claim 5, wherein the audible subscriber identifier corresponds to a spoken name of the subscriber, the playing step including playing a generic announcement and the audible subscriber identifier as the alternate subscriber announcement (Fuller, column 25, line 63 through column 26, line 2).



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- <Claims 8, 16, 26, and 37>

The method of claim 1, wherein the retrieving step includes retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP) (Edmonds, column 9, line 66 through column 10, line 15).

Since the combination of Bates, Fuller, Kruesi, and Edmonds discloses all of the above limitations, claims 2-6, 8, 13-16, 20-24, 26, 31-35, and 37 are rejected.

18. Claims 7, 25, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bates, Fuller, Kruesi, and Edmonds, as applied above, in view of Official Notice.

19. The combination discloses:

- <Claims 7, 25, and 36>

The method of claim 5, wherein the second data file is a .wav file (Official Notice).

The use of WAV files for storing audio was well known in the art at the time of the applicant's invention. Therefore, Official Notice is taken.

Since the combination of Bates, Fuller, Kruesi, Edmonds, and Official Notice discloses all of the above limitations, claims 7, 25, and 36 are rejected.

20. Claims 9, 10, 17, 27, 28, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Fuller further in view of Kruesi, as applied above, further in view of Gebhardt et al. (U.S. Patent Number 6,769,027), hereinafter referred to as Gebhardt.

21. The combination of Bates, Fuller, and Kruesi disclosed a messaging system wherein a particular greeting announcement of multiple possible announcements is played to the caller,

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including the possibility of playing a default greeting with a pre-recorded name dropped in. In an analogous art, Gebhardt disclosed a system for controlling the states of queues in relation to a message server. Both systems deal with the routing of messages in a communications system.

22. Concerning claims 9, 10, 17, 27, 28, 38, and 39, the combination of Bates, Fuller, and Kruesi did not explicitly disclose storing a message in a delivery queue. However, Gebhardt focuses on controlling message queues between a message server and a database. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Bates, Fuller, and Kruesi by adding the ability to store a message in a delivery queue as provided by Gebhardt. Here the combination satisfies the need for a messaging system that automatically plays a particular preprogrammed greeting message to a particular caller. See Bates, column 2, lines 18-26.

23. Thereby, the combination of Bates, Fuller, Kruesi, and Gebhardt discloses:

- <Claims 9, 27, and 38>

The method of claim 1, further comprising: recording a message during the messaging session (Bates, column 7, lines 20-23); and storing the message in a delivery queue for delivery to the messaging server (Gebhardt, column 6, lines 14-19).

- <Claims 10, 17, 28, and 39>

The method of claim 9, further comprising periodically attempting delivery of the message stored in the delivery queue to the messaging server until one of a delivery acknowledgment is received, and a timeout error occurs (Gebhardt, column 6, lines 25-31).

Since the combination of Bates, Fuller, Kruesi, and Gebhardt discloses all of the above limitations, claims 9, 10, 17, 27, 28, 38, and 39 are rejected.

### *Conclusion*

24. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Garcia (U.S. Patent Number 6,442,247) disclosed a telecommunications system including a computer-telephony integration processor that routes incoming calls, selects appropriate recorded messages for the calls, and retrieves recorded messages to be played to callers.
- Bedingfield et al. (U.S. Patent Number 6,882,708) disclosed a system that allows for the exchange of voice mail messages between different VMSs of different service providers and different networks.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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